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OFFICE OF PETITIONS

In re Application of :
Feria, Ming Chang, and Donald Chang :
Application No.: 09/661,967 : **ON PETITION**
Filing Date: September 14, 2000 :
Attorney Docket No. PD-2001108 :

This is a decision on the renewed petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.131.

The renewed petition is **granted**.

The record reflects that the joint inventors named in subject application executed the declaration required by 37 CFR 1.63, and that the executed declaration was filed on December 1, 2000. Petitioner now files the instant petition because one of the joint inventors cannot be located and the other joint inventors have constructively refused to sign the declaration under 37 CFR 1.131. Petitioner requests that the declaration under 37 CFR 1.131 be accepted without the signatures of the joint inventors. The declaration under 37 CFR 1.131 is executed by the assignee and is accompanied by certificate under 37 CFR 3.73(b) empowering the assignee to take action in the subject application.

The petition is granted; the requirement of 37 CFR 1.131 that all relevant inventors execute the declaration under 37 CFR 1.131 is waived as to the joint inventors. The examiner assigned to the application has the authority to determine the sufficiency of the declaration under 37 CFR 1.131; this decision does not mean to address that issue at all.

The application file will be forwarded to Technology Center 2600, GAU 2617 for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions